



## Appeal Decision

Site visit made on 12 October 2010

by **Karen Baker** DipTP MA DipMP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
18 October 2010

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### Appeal Ref: APP/H0738/A/10/2128617 15-19 Yarm Lane, Stockton-on-Tees TS18 3DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Messrs Hawkins and Beadle against the decision of Stockton-on-Tees Borough Council.
- The application Ref. 09/2574/FUL, dated 15 October 2009, was refused by notice dated 13 January 2010.
- The development proposed is the erection of building for student accommodation of 120 No. bedrooms.

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#### Procedural Matter

1. Although the application form describes the development as detailed above, it is apparent from the amended plans and the Council's decision notice that a more accurate description of the proposed development would be the construction of an accommodation block for 91 student bedrooms and 2 retail units. I have therefore considered the appeal on this basis.

#### Decision

2. I allow the appeal, and grant planning permission for the construction of an accommodation block for 91 student bedrooms and 2 retail units at 15-19 Yarm Lane, Stockton-on-Tees TS18 3DR in accordance with the terms of the application, Ref. 09/2574/FUL, dated 15 October 2009 and subject to the conditions in the attached schedule.

#### Planning Policy

3. Following the determination of the planning application, which is the subject of this appeal, the Council adopted its Core Strategy<sup>1</sup>. A number of policies within the Stockton-on-Tees Local Plan<sup>2</sup>, adopted in June 1997, relevant to the consideration of the planning application, have been superseded by policies within the Core Strategy, including Policy GP1. In addition, the Council has highlighted a number of new Core Strategy policies which would now be relevant to the consideration of this proposal. The Council considers that the proposed development would not, however, be contrary to Policies CS2, CS4 and CS5 of the Core Strategy.

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<sup>1</sup> Stockton-on-Tees Borough Local Development Framework: Core Strategy Development Plan Document, adopted in March 2010

<sup>2</sup> The Local Plan policies to which I refer in this decision have been saved by a Direction, under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, of the Secretary of State for Communities and Local Government, dated 31 August 2007

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4. Core Strategy Policy CS3 requires, amongst other things, that all major developments, including residential development comprising 10 or more units, provide at least 10% of total predicted energy requirements on site from renewable sources; and, proposals make a positive contribution to the local area. With regards to the requirements for renewable energy, this formed part of the Regional Spatial Strategy (RSS) at the time the planning application was considered. Although the Government has now revoked RSS, the newly adopted Core Strategy remains extant. As such, the Council has recommended that an appropriate condition be attached to any approval in this respect. The references to positive contributions to the local area are embedded in Policy EN24 of the Local Plan.
5. Core Strategy Policy CS8, amongst other things, requires major applications for student accommodation to demonstrate how they would meet a proven need for the development. The Council has concluded on a similar application (Ref. 10/0190/OUT) that within Stockton it is extremely difficult to prove or disprove completely that there is either a need for further student accommodation or that there is an oversupply of accommodation. The Council considers therefore that it remains difficult to meet the proven need requirements set out in this policy. As such, the Council states that the issue of need should not be considered further in respect of this appeal, as the principles remain the same.
6. Core Strategy Policy CS11 requires development to make contributions in line with the Council's Local Development Framework: Open Space, Recreation and Landscaping Supplementary Planning Document (SPD), adopted in January 2010. Student accommodation is detailed within the document as being a development type where contributions are required. However, the Council considers that it would not be appropriate to now request the appeal proposal to accord with this policy and SPD as these requirements were unknown to the appellants when making the application and when the Council made its decision.
7. I have, therefore, considered the appeal on this basis.

**Main Issues**

8. The main issues in this appeal are:
  - a. the effect of the proposed development on the character or appearance of the Stockton Town Centre Conservation Area;
  - b. whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed student accommodation, with particular reference to outlook; and,
  - c. the effect of the proposed development on highway safety.

**Reasons**

*Character and Appearance*

9. The appeal site is located on the southern side of Yarm Lane and the western side of Yarm Street within Stockton town centre. At present a 3 storey terraced block exists at Nos. 15-19 Yarm Lane. A mix of styles and designs of buildings is present within the local area. In addition, a variety of heights of

buildings exists along Yarm Lane, including 2 and 3 storey properties, and along neighbouring roads, including the 7 storey Swallow Hotel on the High Street, at the eastern end of Yarm Lane, and the 6 storey Daryl House, to the south east of the appeal site.

10. The appeal proposal was amended during the consideration of the planning application from a 6 storey building to a 4 storey building. The proposed building would be higher than the neighbouring buildings along Yarm Lane. However, it would be around 1.1m and 2m lower than the existing buildings on the appeal site, with the top floor, provided by a contemporary glazed section with a flat roof, set back from the main elevation. In addition, the front elevation onto Yarm Lane would incorporate 2 traditionally detailed and proportioned ground floor retail units and the access into the student accommodation, which would also appear as a shop front. The design of the proposed building at first and second floor levels would include appropriately proportioned and styled fenestration and a staggered elevation and change in materials across the width of the building, which would reduce its visual bulk and maintain the vertical emphasis of buildings that exists throughout the current streetscene.
11. The design of the proposed Yarm Lane elevation would in part be replicated along Yarm Street, which would include similar breaks within the building's elevation and would use traditional detailing. The rear most section of the Yarm Street elevation would have a more modern appearance, which would continue in the rear elevation. The latter would also include a large glazed central section.
12. The proposed building, given its design, scale, height and mass, along with the materials proposed, would not appear dominant or incongruous in the streetscene along Yarm Lane. As such, it would not be out of keeping with, or fail to preserve, the character and appearance of the conservation area.
13. I conclude, therefore, that the proposed development would not harm the character and appearance of the Stockton Town Centre Conservation Area. As such, it would accord with Policy EN24 of the Local Plan and Policy CS3 of the Core Strategy.

*Living Conditions of Future Occupiers*

14. To the west of the appeal site is No. 21 Yarm Lane, a 2 storey building, which is currently occupied by Riley's Snooker Club. During the consideration of the planning application, the Council suggested that the windows in the western elevation of the proposed building, which would open into bedrooms B3, B5, B7, B8 and B10 on the second floor, be obscure glazed and that skylights be inserted, in order to safeguard the privacy and daylight of future occupiers within these bedrooms if the neighbouring site is redeveloped in the future. However, the Council now considers that the provision of obscure glazing would result in an unacceptable level of amenity for future student occupiers of these bedrooms, in terms of their outlook.
15. There is no evidence before me which indicates the likelihood of the future redevelopment of the neighbouring site to the west. In any event, Government advice in *The Planning System: General Principles* states that the planning system does not exist to protect the private interests of one person against the

activities of another, although private interests may coincide with the public interest in some cases. It goes on to say that the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

16. Given the existing use of No. 21 Yarm Lane, along with its design, scale, height and mass, the proposed bedrooms would provide a satisfactory level of privacy and daylight for future occupiers, without the need for the windows to be obscure glazed. If redevelopment of this neighbouring site occurs in the future, the design process would have to have regard to any development on the appeal site. Nevertheless, given the size of the adjacent site and the design of the proposed building, it would not unduly compromise the future redevelopment of No. 21 Yarm Lane.
17. The use of obscure glazing would not be necessary in this case. Given this, along with the design, scale, height, mass and siting of No. 21 Yarm Lane, the accommodation proposed would provide a satisfactory outlook for future student occupiers in their bedrooms.
18. I conclude, therefore, that the proposal would provide satisfactory living conditions for future occupiers of the proposed student accommodation, with particular reference to outlook.

*Highway Safety*

19. The appeal site is located in Stockton town centre. The proposed development would include 3 car parking spaces to the rear of the building with access from Yarm Street. The Council is concerned that the proposed development would not provide a satisfactory arrangement for access and parking for students moving their belongings at the start and end of each term.
20. The Council's SPD 3: Parking Provision for New Developments, adopted in November 2006, requires 1 parking space per 40 residents for student halls of residence and 1 space per 300sqm gross floor area of retail provision within the town centre area. The Highway Authority has no objection to the proposed development subject to management of the spaces being carried out. This could be controlled by the imposition of an appropriate planning condition.
21. The appellants submitted a Traffic Assessment as part of the planning application. It concludes that the proposed development would generate less parking than is currently produced by the existing uses at the appeal site and that vehicle movements would also reduce. The appeal site is centrally located with some on street short stay parking available along Yarm Street and Yarm Lane. In addition, long stay parking facilities exist a short distance away on West Row. The appeal site is also well located in respect of public transport. Given this, along with the proposed on site car parking spaces, sufficient provision would exist for students to be able to move their belongings into and out of the building at the start and end of each term. As such, the proposal would not lead to an increase in traffic and congestion in and around the appeal site. It would not, therefore, be detrimental to highway safety.

22. I conclude, therefore, that the proposed development would not harm highway safety.

*Other Matters*

23. I have taken full and careful account of the views of local residents and other interested parties in reaching this decision, including concerns about the adequacy of the internal design of the building for its intended use; noise levels within the bedrooms from traffic, pedestrians and hot food takeaways in the locality; and, the lack of disabled parking spaces and access, but none changes my overall conclusion that the appeal should be allowed.

**Conditions**

24. In addition to the standard time limit condition, the Council has suggested 12 conditions. I have had regard to Circular 11/95 during my consideration of these conditions. A condition which requires the development to be carried out in accordance with the approved plans would be reasonable for the avoidance of doubt and in the interests of proper planning. A condition which requires the implementation of a phased programme of archaeological work would be necessary given that the site is of archaeological interest. A condition requiring the submission and approval of a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources would be necessary in the interests of promoting sustainable development. Conditions requiring the submission and approval of details of the external materials and design would be reasonable to safeguard the character and appearance of the conservation area. A condition which requires the submission and approval of a scheme of cycle parking would be reasonable in the interests of promoting sustainable transport choices.

25. A condition which requires the submission and approval of a scheme for the storage of bins and recycling would be reasonable to safeguard the living conditions of future occupiers of the proposed accommodation. Conditions requiring the submission and approval of a Travel Plan and a Car Park Management Plan would be reasonable in the interests of promoting sustainable transport choices and highway safety respectively. A condition requiring construction work to be carried out between set times would be reasonable to safeguard the living conditions of neighbouring residents. A condition limiting the occupation of the accommodation on the upper floors to students would be necessary to safeguard the character and appearance of the area.

26. Finally, a condition requiring that windows within the second floor western elevation be inward opening and contain obscure glazing would not be necessary to provide satisfactory living conditions for future occupiers of the proposed building or to prevent an undue impact on any future redevelopment of the neighbouring site.

*Karen Baker*

INSPECTOR

**Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Location Plan (Drawing No. 0821/LP 'O'); Proposed Floor Plans (Drawing No. 0821/EL1 'D'); Proposed Atrium Elevations and Yarm Lane Streetscene (Drawing No. 0821/EL2 'D'); and Proposed Floor Plans: Ground, 1<sup>st</sup> and 2<sup>nd</sup> Floors (Drawing No. 0821/FP1 'D').
- 3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 4) Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement (PPS): Planning and Climate Change, Supplement to PPS 1 (December 2007) or any subsequent version) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the style, material and colour of all windows, doors and shop fronts and their associated fascia have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The building hereby approved shall not be occupied until space has been laid out within the site for bicycles to be parked in accordance with a scheme of bicycle parking submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall include details of the methods to be used for securing bicycles and for their security. The bicycle parking shall thereafter be retained, maintained and operated for this purpose.
- 8) The building hereby approved shall not be occupied until bin storage and recycling facilities have been provided within the site in accordance with a scheme submitted to and approved in writing by the local planning authority prior to the commencement of development. The bin storage and recycling facilities shall thereafter be retained, maintained and operated for this purpose.

- 9) Prior to the development commencing, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The provisions of the approved Travel Plan shall be implemented on first occupation of the development and retained thereafter.
- 10) Prior to the development commencing, a Car Park Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of how the car parking spaces will be operated and who will be eligible to use them. The building shall not be occupied until space has been laid out within the site in accordance with drawing No. 0821/FP1 'D' for 3 cars to be parked. The car parking spaces shall thereafter be retained, maintained and operated for this purpose in accordance with the approved Management Plan.
- 11) Construction/building works, including demolition and deliveries shall not take place outside the following times:  
0800 hours to 1800 hours Mondays to Fridays; and,  
0900 hours to 1300 hours on Saturdays.  
Nor at any time on Sundays, Bank or Public Holidays.
- 12) The accommodation hereby approved on the first, second and third floors of the building, shall be used solely for the purposes of students undertaking full time educational courses.